

Message Text

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FOR USDEL LOS

FOL SUVA 0775 SENT ACTION SECSTATE INFO CANBERRA PORT MORESBY
WELLINGTON MAY 9, 1978 REPEATED TO YOU QUOTE

UNCLAS SUVA 775

E.O. 11652: N/A

TAGS: EFIS, PLOS, FJ, XP

SUBJECT: SOUTH PACIFIC REGIONAL FISHERIES ORGANIZATION

1. SPEC DEPUTY DIRECTOR GATES CALLED AT RESIDENCE EVENING 9
MAY TO REPORT THAT MEETING OF FORUM COUNTRIES WHICH BEGAN 8
MAY WAS HUNG UP ON CONFLICTING REPORTS BY PARTICIPANTS REGARDING
ALLEGED SHIFT IN US POSITION ON QUESTION OF COASTAL STATES
SOVEREIGNTY OVER HIGHLY MIGRATORY SPECIES.

2. ACCORDINGLY HE DELIVERED LETTER ASKING A RESPONSE BY NOON
10 MAY TO THE FOLLOWING QUESTIONS:

"A 1. FOLLOWING THE VISIT OF MR BUSBY AND MR COLSON TO VARIOUS
PACIFIC STATES IT IS THE UNDERSTANDING OF A NUMBER OF MEMBER
COUNTRIES OF THE SOUTH PACIFIC FORUM MEETING TO DISCUSS THE PROPOSED
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SOUTH PACIFIC FISHERIES ORGANISATION THAT THE UNITED STATES HAS
SHIFTED SIGNIFICANTLY ITS POSITION ON EXISTING LEGISLATION ON
SOVEREIGNTY OF COASTAL STATES OVER HIGHLY MIGRATORY SPECIES.

B. IS THE UNDERSTANDING CORRECT THAT AN INTERNATIONAL TREATY
RATIFIED BY THE U.S. WOULD IMMEDIATELY SUPERSEDE EXISTING
DOMESTIC LEGISLATION. IF SO WOULD THE CHANGE IN U.S.

POSITION NOW MEAN THAT THE U.S. CONGRESS CAN RATIFY A S.P.F.O. CONVENTION ALREADY IN FORCE HAVING AN ARTICLE SAYING, IN EFFECT, THAT COASTAL STATES WHICH ARE SIGNATORIES HAVE SOVEREIGN RIGHTS TO MANAGE ALL LIVING RESOURCES IN ITS EEZ INCLUDING HIGHLY MIGRATORY SPECIES?

C. 2. UNDER WHAT CONDITIONS, AT THIS STAGE, COULD THE UNITED STATES JOIN AN ARTICLE 64 (ICNT) TYPE ORGANISATION, SEPARATELY FROM THE TYPE OF CONVENTION EMBODYING COASTAL STATE INTEREST ONLY?"

3. IN ORDER TO EXPEDITE DEPT'S ADVISE PROPOSE FOLLOWING REPLY TO GATES LETTER:

A. IN RESPONSE TO YOUR LETTER 9 MAY I AM AUTHORIZED TO CONFIRM THAT THERE HAS BEEN NO REPEAT NO SHIFT IN THE US POSITION. UNDER EXISTING LEGISLATION THE US DOES NOT REPEAT NOT RECOGNIZE SOVEREIGNTY RIGHTS BY COASTAL STATES OVER HIGHLY MIGRATORY SPECIES.

B. ACCORDINGLY THE US COULD NOT BECOME A SIGNATORY OF AN AGREEMENT NOR COULD SUBMIT TO THE SENATE FOR RATIFICATION SUCH AN AGREEMENT IF IT WERE TO PROVIDE THAT COASTAL STATES HAVE SOVEREIGN RIGHTS TO MANAGE ALL LIVING RESOURCES IN THEIR EEZ INCLUDING HIGHLY MIGRATORY SPECIES.

C. HOWEVER THE U.S. IS AN INTERESTED PARTICIPANT IN THE
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NEGOTIATION AND EVENTUALLY CAN BECOME A SIGNATORY TO AN AGREEMENT SUCH AS THE PROPOSED SOUTH PACIFIC REGIONAL FISHERIES ORGANIZATION TREATY WHICH SEEKS TO MANAGE COLLECTIVELY THROUGH AGREED UPON RULES AND REGULATIONS ON FISHING THE LIVING RESOURCES IN EEZ PROVIDED THAT ITS LANGUAGE IS NOT IN CONFLICT WITH EXISTING LEGISLATION ON COASTAL STATES RIGHTS.

4. I DO NOT KNOW THE ANSWER TO QUESTION 2C ABOVE.

ACTION REQUESTED: ADVISE BY IMMEDIATE CABLE WITHIN 3 HOURS FROM TIME OF RECEIPT OF THIS ON DRAFT REPLY ABOVE AND TEXT OF RESPONSE TO QUESTION IN 2C. CLARIFICATION OF U.S. RESPONSE IS INDISPENSABLE TO ALLOW SUVA MEETING OF FORUM STATES NOW IN PROGRESS TO REACH COMMON NEGOTIATING POSITION FOR FORTHCOMING 5-10 JUNE SPRFA MEETING. CONDON UNQUOTE VANCE

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